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Intel Corporation

REMARKS

Claims 1-30 are pending, with claims 1, 14, 24, 27 and 29 being independent. Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1-30 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hurtado et al. (U.S. Patent 6,611,812) in view of Thompson et al. (U.S. Patent 5,406,627). This contention is respectfully traversed.

A *prima facie* case of obviousness has not been established because there is no motivation to combine the references as suggested, and the proposed combination does not teach or suggest all the features of the claims. (See MPEP 706.02(j).) Hurtado describes a secure electronic content distribution system in which an end user system receives from a clearing house a secure container. This secure container contains a decrypting key for decrypting at least part of previously encrypted content, where this secure container has been encrypted using an encrypting key of the end user system. The end user system can then decrypt the secure container (using the encrypting key of the end user system) to access the decrypting key for decrypting at least part of the encrypted content. (See Hurtado at Abstract.)

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In contrast, Thompson describes an audiovisual subscription system that includes means for aperiodically inverting the lines of a transmitted video signal on a frame-by-frame basis and for decrypting encrypted PCM (pulse-code-modulated) audio information which is transmitted along with the aperiodically inverted video information. (See Thompson at Abstract.) One skilled in the art would not be motivated to combined Thompson with Hurtado because they are directed to very different subject matter. It is noted that Thompson and Hurtado do not share a common subject matter classification, and the motivation identified on page 3 of the Office Action misstates the cited portion of Thompson as relating to data encryption, when in fact, it relates to data scrambling.

Moreover, Hurtado actually teaches away from the proposed combination. Hurtado describes sending the data decryption keys to the end-user device as an added security of a secure electronic content distribution system. In contrast, Thompson describes having the data decryption keys be resident on the end-user device, and an appropriate decryption key is selected for a signal. (See Thompson at col. 9, lines 51-57; and col. 42, line 53 to col. 43, line 15.) Thus, Hurtado teaches away from the proposed combination with Thompson, and there is no motivation to combine the references as suggested.

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In addition, even if Hurtado and Thompson could be combined as suggested, which is not conceded, the resulting combination would not not teach or suggest all the features of the claims. Independent claim 1 recites, "transmitting a decoder core to be used with a predefined content decoder, the decoder core comprising instructions for causing the predefined content decoder to decrypt an encrypted version of digital content."

(Emphasis added.) The Office Action acknowledges that Hurtado does not describe a decoder core comprising instructions for causing the predefined content decoder to decrypt an encrypted version of digital content, and relies on Thompson for this feature of claim 1. However, the cited portion of Thompson makes clear that Thompson's instructions merely identify a decryption key (already present at the receiving device) to use with an already defined digital data decryption circuit. (See Thompson at col. 42, line 53 to col. 43, line 15.)

The present application clearly describes the terms "content decoder" and "decoder core":

A content decoder (e.g., a media player device such as a Tivo or a Replay device, media player software, or a component of these) can be logically divided into a replaceable decoder core and remaining portions. The decoder core implements a selected decryption scheme for decrypting encrypted content, and the remaining portions provide an interface between the

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decoder core and content presentation systems/devices.

The decoder core may be changed as desired to implement a newly selected decryption scheme and/or to change the nature of the decoder core (e.g., a new software obfuscation, a new time-stamp).

(See the present application at ¶ 18.) As further detailed in the example encrypted digital content delivery and decoding system shown in Fig. 2:

The content decoder 200 includes an interface 220 that defines how a received decoder core 225 is to be integrated with the content decoder 200. [...] [T]he content decoder 200 receives a mutable software module. [...] The interface 220 is a predefined interface that provides the hooks (e.g., procedure calls) with which the content decoder 200 runs the decoder core 225. In one implementation, the decoder core 225 is a software plug-in for the content decoder 200.

(See the present application at ¶s 31-33.)

The claimed subject matter can isolate the decryption scheme within the decoder core, and thus the content decoder may be made independent of the encryption/decryption scheme to be used. This enables modification of content protection techniques that are to be used with an already publicly distributed content decoder. (See the present application at ¶s 19-20.)

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In contrast, Thompson describes a receiving device that already has the decryption components used to decrypt encrypted digital content using a selected resident key. (See Thompson at FIGS. 2A" and 4B', reference symbols 134a, 134b, 465a, 465b, 466 and corresponding description.) The instructions in the cited portion of Thompson are not part of a decoder core and are not for causing a predefined content decoder to decrypt an encrypted version of digital content, because these instructions of Thompson simply inform the microprocessor which resident decryption key to use with a defined data decryption circuit. (See Thompson at col. 42, line 53 to col. 43, line 15.) Thus, independent claim 1 should be in condition for allowance.

Independent claim 14 recites, "receiving a decoder core comprising instructions for decrypting encrypted digital content; and using the decoder core with a previously acquired content decoder to access the encrypted digital content."

(Emphasis added.) For the reasons discussed above, Hurtado and Thompson are not properly combinable to realize the subject matter of claim 14, and neither Hurtado nor Thompson teach or suggest (alone or in combination) receiving a decoder core comprising instructions for decrypting encrypted digital content, and using the decoder core with a previously acquired

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content decoder to access the encrypted digital content. Thus, independent claim 14 should be in condition for allowance.

Independent claim 24 recites, "defining an interface between a presentation portion and a decryption portion of a digital content player; identifying a decoder core that uses the interface to effect the decryption portion of the digital content player; and using the decoder core with the digital content player to access encrypted digital content." (Emphasis added.) Independent claim 27 recites, "a module defining an interface between the content decoder and a mutable decoder core comprising instructions for causing the content decoder to decrypt encrypted media." (Emphasis added.) Independent claim 29 recites, "means for transmitting in response to a request, software plug-in means for decrypting digital content; and means for receiving the software plug-in means and for presenting the digital content using the software plug-in means." (Emphasis added.)

The Official Action fails to address the limitations of claims 24, 27 and 29. Thus, the rejection of these claims should be withdrawn for at least this reason. Additionally, for reasons similar to those discussed above, Hurtado and Thompson are not properly combinable to realize the subject matter of claims 24, 27 and 29, and neither Hurtado nor Thompson teach or

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suggest (alone or in combination) defining an interface between a presentation portion and a decryption portion of a digital content player and identifying a decoder core that uses the interface to effect the decryption portion of the digital content player, a module defining an interface between the content decoder and a mutable decoder core, or software plug-in means for decrypting digital content. Thus, independent claims 24, 27 and 29 should be in condition for allowance.

Dependent claims 2-13, 15-23, 25-26, 28 and 30 are patentable for at least the above reasons, and based on the additional recitations they contain. For example, claims 8-11 and 22-23 include various limitations related to obfuscated software included in the decoder core. The Official Action fails to address these limitations, and thus the rejection of these claims should be withdrawn for this additional reason.

Moreover, Hurtado is clearly directed to a system for delivering decryption keys, not decryption software. Hurtado remains agnostic regarding the specific encryption/decryption algorithms to be used in the system. (See Hurtado at col. 15, line 29 to col. 16, line 48.) Furthermore, Hurtado provides no description whatsoever of software obfuscation, which can be used to make decryption software difficult to reverse engineer. These arguments were presented in the previous response, and the

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current Office Action does not respond to those previous arguments. Consideration and response to these arguments are respectfully requested.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment. Because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

It is respectfully suggested for all of these reasons, that the current rejections are overcome, that none of the cited art teaches or suggests the features which are claimed, and therefore that all of these claims should be in condition for allowance. A formal notice of allowance is thus respectfully requested.

Absent a formal notice of allowance, a telephone interview with the Examiner and the Examiner's supervisor is respectfully requested to discuss the independent claims, Hurtado and Thompson, and the insufficiency of the current rejections.

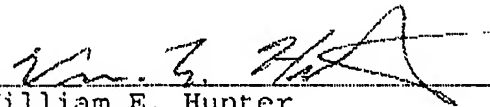
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Respectfully submitted,

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